

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Kastner	Team: Team # 2	CCRB Case #: 201310771	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/14/2013 6:55 PM	Location of Incident: Park Avenue and Vreeland Street; En route to/at the 121st Precinct stationhouse; § 87(2)(b)	Precinct: 121	18 Mo. SOL 5/14/2015	EO SOL 5/14/2015	
Date/Time CV Reported Fri, 11/15/2013 1:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/15/2013 1:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Emmanuel Kwo	01403	944715	121 PCT
2. SSA John Todaro	05234	903307	121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Besim Pelinku	29412	946100	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SSA John Todaro	Discourtesy: On various dates and at various locations, Sgt. John Todaro spoke discourteously to § 87(2)(b) and § 87(2)(b)	
B.SSA John Todaro	Off. Language: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro made a comment based upon the socioeconomic status of § 87(2)(b)	
C.SSA John Todaro	Abuse: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro refused to provide his name to § 87(2)(b)	
D.SSA John Todaro	Abuse: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
E.POM Emmanuel Kwo	Discourtesy: On various dates and at various locations, PO Emmanuel Kwo spoke discourteously to § 87(2)(b)	
F.SSA John Todaro	Abuse: On December 17, 2013, outside of § 87(2)(b) in Staten Island, Sgt. John Todaro threatened § 87(2)(b) with the use of force.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On November 15, 2013, § 87(2)(b) called the CCRB and filed a complaint (encl. E1-E2). At approximately 6:55 p.m. on November 14, 2013, § 87(2)(b) and his girlfriend, § 87(2)(b) were in the vicinity of Vreeland Street and Park Avenue in Staten Island in § 87(2)(b)'s car when they were stopped by Sgt. John Todaro and PO Emmanuel Kwo, both from the 121st Precinct. § 87(2)(b) was subsequently arrested and transported back to the 121st Precinct stationhouse. At approximately 2:36 p.m. on December 17, 2013, § 87(2)(b) was in front of his building, located at § 87(2)(b) in Staten Island, when Sgt. Todaro and PO Kwo arrived. The following allegations resulted:

Allegation A – Discourtesy: On various dates and at various locations, Sgt. John Todaro spoke discourteously to § 87(2)(b) and § 87(2)(b)

Allegation B – Offensive Language: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro made a comment based upon the socioeconomic status of § 87(2)(b)

Allegation C – Abuse of Authority: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro refused to provide his name to § 87(2)(b)

Allegation D – Abuse of Authority: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation E – Discourtesy: On various dates and at various locations, PO Emmanuel Kwo spoke discourteously to § 87(2)(b)

Allegation F – Abuse of Authority: On December 17, 2013, outside of § 87(2)(b) in Staten Island, Sgt. John Todaro threatened § 87(2)(b) with the use of force.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

This case was not mediation eligible.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) a Hispanic man who is 5'9" tall, weighs 185 pounds, with black hair and black eyes, was § 87(2)(b) old at the time of the incident.
- § 87(2)(b)

§ 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on December 19, 2013 (encl. E12-E20).

November 14, 2013

At approximately 6:55 p.m. on November 14th 2013, § 87(2)(b) and his girlfriend, § 87(2)(b) left their apartment building, located at § 87(2)(b) in Staten Island, and drove § 87(2)(b) in § 87(2)(b)'s gold 2002 Kia Rio, before § 87(2)(b) saw a dark colored sedan with its turret lights on in the vicinity of Park Avenue and Vreeland Street. He immediately pulled over. The sedan contained two officers. PO Emmanuel Kwo, identified via investigation, was described as a black man, approximately 26 to 38 years old, 6'2" tall, 230 to 250 pounds and dressed in dark clothing. Sgt. John Todaro, identified via investigation, was described as a white man, approximately 36 to 38 years old, shorter than PO Kwo, 250 to 280 pounds, with a short mustache, and dressed in a dark colored fleece, dark jeans, and sneakers.

When the officers approached, § 87(2)(b) provided his driver's license and registration to PO Kwo. He removed his license from his rear pocket and his registration from the glove compartment, but did nothing else with his body. Sgt. Todaro flashed his flashlight in § 87(2)(b) and § 87(2)(b)'s faces, at the closed glove compartment, at the floor of the back of § 87(2)(b)'s car, and around the ground outside of the car. § 87(2)(b) asked him to stop shining the flashlight in their faces. Sgt. Todaro told PO Kwo to "Get him out of the car." PO Kwo ordered § 87(2)(b) to exit his car and § 87(2)(b) complied without assistance, leaving his front driver's door open. PO Kwo immediately rear handcuffed § 87(2)(b) saying it was for everyone's safety. § 87(2)(b) was ordered to exit the car and complied. She was asked to produce identification and did so.

PO Kwo escorted § 87(2)(b) to the rear of the car. § 87(2)(b) told § 87(2)(b) to record the incident. Sgt. Todaro said, "Turn that fucking tape recorder off from the cell phone." § 87(2)(b) was unsure whether § 87(2)(b) heard this comment. Sgt. Todaro ordered § 87(2)(b) to "Get the fuck in the car." § 87(2)(b) complied. Although she had recorded audio on her cell phone, the phone broke since this incident and the recording was no longer available.

§ 87(2)(b) and Sgt. Todaro engaged in a verbal back and forth at the rear of the car, during which point, Sgt. Todaro whispered into § 87(2)(b)'s ear that Sgt. Todaro eats guys like § 87(2)(b) for breakfast, that he and § 87(2)(b) were sucking up taxpayers' money, and that § 87(2)(b) was on welfare because she had a benefit's card. § 87(2)(b) said he was on his way to parent teacher conferences. Sgt. Todaro told him not to come out of a drug building. § 87(2)(b) said he lived in the building and was the super, but could not control what happened there. § 87(2)(b) said Sgt. Todaro should "mess with the drug dealers up the block." Sgt. Todaro said, "Oh yeah, ask them little fuckers about me. They know me."

PO Kwo brought § 87(2)(b)'s identification into the officers' car and stayed inside while § 87(2)(b) stood with Sgt. Todaro and § 87(2)(b) sat inside § 87(2)(b)'s car. During this time, § 87(2)(b) asked Sgt. Todaro for his name and asked that he at least provide his name to § 87(2)(b). Sgt. Todaro never provided his name.

A second dark colored sedan arrived and two plainclothed officers exited. PO Michael Smith, identified via investigation, was described as a white, possibly Italian, man in his early to mid-

30s. PO Besim Pelinku, identified via investigation, was described as a white man in his early 30s, approximately 5'10" to 5'11" tall and 185 to 190 pounds. PO Smith ordered § 87(2)(b) to exit § 87(2)(b)'s car and § 87(2)(b) complied.

Sgt. Todaro opened the rear passenger's door of § 87(2)(b)'s car and placed his upper body and knees on the seat while looking around with his flashlight. § 87(2)(b) told Sgt. Todaro that all he had to do was ask for permission to search the car, that he should go ahead and do it, and that § 87(2)(b) had nothing to hide. This comment was made after Sgt. Todaro was already inside the car. While inside for less than five minutes, Sgt. Todaro tried to pull § 87(2)(b)'s car's seat back and in the process, damaged the seat by bending it. Sgt. Todaro exited the car and reentered via the front passenger's door, leaning his torso inside and looking around the front seats and floor areas with his flashlight. Nothing was removed and no additional officers entered the car.

PO Kwo told § 87(2)(b) that he had an open warrant and § 87(2)(b) was placed inside the officers' sedan. § 87(2)(b) later told him that either PO Smith or PO Pelinku parked his car, since § 87(2)(b) had no driver's license. § 87(2)(b) was transported to the 120th Precinct stationhouse. PO Kwo operated the sedan while Sgt. Todaro sat in the backseat with § 87(2)(b). En route, Sgt. Todaro tried to intimidate § 87(2)(b) by saying he was going to get raped in jail. § 87(2)(b) laughed at this.

In the holding cells at the stationhouse, § 87(2)(b) asked PO Kwo for his arrest paperwork. PO Kwo approached the holding cell with two letter sized pieces of paper against his chest. A blank page was in front of the second page. § 87(2)(b) said he could not read what was on the paper. PO Kwo said something to the effect of, "Well, read this" and simultaneously placed the blank page behind the second page. Written on the second page were the words, "Fuck you." There were no officers or civilians present.

Eventually, PO Kwo handed § 87(2)(b) a summons for not using his car's headlights. The following morning, § 87(2)(b) was transported to the courthouse, but told to leave before seeing a judge. § 87(2)(b) refused to leave without documentation of his arrest, so he went to the Clerk's Office downstairs, where he was told that he had never actually been arrested.

December 17, 2013

At approximately 2:36 p.m. on December 17, 2013, § 87(2)(b) was working in his building when he realized that the male security guard had called the police because an intoxicated man had been asleep in the first floor hallway and refused to leave. Uniformed officers arrived and removed the intoxicated man. Afterward, § 87(2)(b) saw that PO Kwo, PO Pelinku, and an unidentified plainclothed female officer were speaking with the security guard. § 87(2)(b) exited the building and saw Sgt. Todaro, who spit on the sidewalk, in the path that § 87(2)(b) was walking toward, and said, "How you doing, buddy?" § 87(2)(b) began yelling and called Sgt. Todaro a "pig." Sgt. Todaro replied, "Man, shut the fuck up. To me, you're a little bitch."

§ 87(2)(b) and § 87(2)(b) stood in the gated porch area of his building, where there are surveillance cameras, and § 87(2)(b) told Sgt. Todaro to talk to him or do something to him over there. Sgt. Todaro looked at the camera, told § 87(2)(b) that he was not stupid, and said, "Fuck you." Sgt. Todaro, who never came into camera view, kept referencing martial arts and said something to the effect of, "[I'm going to or I can] [rip or snatch] your throat out of your neck." He also said he could have § 87(2)(b) paralyzed and turned into a vegetable if he

wanted to. § 87(2)(b) and § 87(2)(b) got into § 87(2)(b)'s car. § 87(2)(b) saw PO Kwo holding his neighbor's dog and accused PO Kwo of stealing it. PO Kwo said, "Man, go fuck yourself." As § 87(2)(b) drove away, PO Kwo told Sgt. Todaro, "Yeah, he's gonna get fucked up soon," referring to § 87(2)(b). The security guard and four occupants of § 87(2)(b) witnessed this incident.

§ 87(2)(g)

Victim: § 87(2)(b)

- § 87(2)(b) a Hispanic woman who is 5'3" or 5'4" tall, weighs 108 pounds, with brown hair and hazel eyes, was § 87(2)(b) old at the time of the incident.
- § 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on December 19, 2013 (encl. E4-E11). § 87(2)(g)

November 14, 2013

While § 87(2)(b) was at the rear of the car, § 87(2)(b) kept reaching into the glove compartment to get candy because she was hungry. Sgt. Todaro, who was standing near her door, noted that she and § 87(2)(b) kept going in the glove compartment. § 87(2)(b) called her mother on her cell phone. Sgt. Todaro said things to the effect of, "Hang up the fucking phone," "Don't pick up the fucking phone," and "Don't make no fucking phone calls." Sgt. Todaro used derivatives of the word "fuck" three times.

Sgt. Todaro ordered § 87(2)(b) to exit the car and once she did, PO Kwo asked for her identification, which § 87(2)(b) provided. While she was out of the car, PO Kwo entered the car through the driver's door. PO Kwo placed his upper body inside the car for approximately one minute and looked underneath the driver's seat, but did not touch or remove anything. § 87(2)(b) witnessed this while standing on the passenger's side. She again asked about § 87(2)(b) and Sgt. Todaro, who was standing with § 87(2)(b) at the rear, said, "Mind your fucking business." PO Smith and PO Pelinku arrived after PO Kwo had already exited § 87(2)(b)'s car. Those officers spoke to § 87(2)(b) but did nothing else at the scene.

Sgt. Todaro told § 87(2)(b) that § 87(2)(b) was being arrested because he had kept going into the glove compartment. § 87(2)(b) asked the officers what they were going to do with § 87(2)(b)'s car, since she had no driver's license. Sgt. Todaro said, "We don't give a fuck." He told § 87(2)(b) to drive the car home and she did.

§ 87(2)(b) did not reiterate the additional discourteous and offensive statements that § 87(2)(b) alleged, nor did she note the alleged name refusal and damaged property allegations.

December 17, 2013

While getting dressed inside their apartment, § 87(2)(b) heard screaming and went downstairs. She saw PO Kwo and Sgt. Todaro, who were playing with a neighbor's dog. § 87(2)(b) told PO Kwo not to say hi to him after he spit at him. § 87(2)(b) did not witness the initial interaction between § 87(2)(b) and the officers. § 87(2)(b) did hear PO Kwo tell § 87(2)(b)

§ 87(2)(b) to “Sit in your fucking car now. You’re fucking car is parked illegally.” § 87(2)(b) and § 87(2)(b) got into § 87(2)(b) s car and left to pick up her son.

Attempts to Contact Civilians

§ 87(2)(b) said that the security guard and four occupants of § 87(2)(b) witnessed the December 17, 2013 incident. During his interview, § 87(2)(b) agreed to obtain and provide full names and contact information for those individuals who wished to participate in the CCRB investigation. However, when called on January 2, 2014, § 87(2)(b) said that none of the witnesses wished to participate.

NYPD Statements:

Subject Officer: SGT. JOHN TODARO

- *Sgt. Todaro, a white man who is 6’1’’ tall, weighs 250 pounds, with gray hair and blue eyes, was § 87(2)(b) old at the time of these incidents.*
- *On November 14, 2013 and December 17, 2013, Sgt. Todaro worked from 11:55 a.m. to 8:39 p.m. as the Anti-Crime supervisor, and was dressed in plainclothes. On November 14, 2013, he worked with PO Emmanuel Kwo and PO Michael Smith, but PO Smith was not present during this incident, and was assigned to an unmarked vehicle number § 87(2)(b). On December 17, 2013, Sgt. Todaro worked with PO Kwo and PO Besim Pelinku and was assigned to a green Ford Fusion, vehicle number § 87(2)(b).*

Memo Book

- Sgt. Todaro had no memo book entries regarding the November 14, 2013 incident (encl. F19-F20). At 3 p.m., he was conducting a directed patrol in the vicinity of Port Richmond in Staten Island. At 8 p.m., he went on meal at the 121st Precinct stationhouse.
- Sgt. Todaro had no memo book entries regarding the December 17, 2013 incident and noted that this was because he did not deal with § 87(2)(b) that day (encl. F21-F22). At 1 p.m., he was conducting a directed patrol in the vicinity of Port Richmond in Staten Island. At 5 p.m., he went on administrative.

CCRB Statement

Sgt. John Todaro was interviewed at the CCRB on July 3, 2014 (encl. F23-F26).

November 14, 2013

At approximately 6:55 p.m. on November 14, 2013, in the vicinity of Vreeland Street and Park Avenue in Staten Island, Sgt. Todaro and PO Emmanuel Kwo observed a light colored sedan with a defective headlight being driven by § 87(2)(b) identified via his CCRB photo. The car also contained § 87(2)(b) identified via investigation. Sgt. Todaro could not recall whether the car’s windows were tinted. The officers decided to conduct a car stop solely for the defective headlight. § 87(2)(b) immediately pulled over. It was dark out and while there were street lights at the location, it was not a very bright area.

From the officers’ car, Sgt. Todaro observed § 87(2)(b) who appeared angry and began acting irate, described as yelling and moving around a lot inside of his car. Specifically, § 87(2)(b) turned around and possibly bent down toward his right side, moved his body up and down, and moved his hands around, up near his head and then back down. Sgt. Todaro did not know what § 87(2)(b) was doing, but he did not believe that § 87(2)(b) was reaching for anything and described § 87(2)(b) s actions as “acting crazy.” Neither § 87(2)(b) nor § 87(2)(b)

§ 87(2)(b) was ever suspected of having committed any crime, aside from the VTL violation.

Sgt. Todaro approached the passenger's side and PO Kwo approached the driver's side. As a safety measure, the officers shined their flashlights into § 87(2)(b)'s car to ensure it contained no additional people or weapons. At that point, § 87(2)(b) swung his door open, exited his car and began yelling at the officers from his position in between his car and the open driver's door. § 87(2)(b) said things to the effect of, "Why are you fucking pulling me over? I didn't do anything. You guys are always fucking harassing me." Sgt. Todaro noted that this was the first time he had interacted with § 87(2)(b). From his position, Sgt. Todaro heard § 87(2)(b) yelling, but could not hear anything that PO Kwo said. PO Kwo obtained § 87(2)(b)'s driver's license and conducted a warrant check via phone, which revealed that § 87(2)(b) had an active warrant. At that point, § 87(2)(b) was handcuffed and placed under arrest.

§ 87(2)(b) also appeared agitated, but did not act as irate as § 87(2)(b). Sgt. Todaro recalled her having a phone in her hand, but did not say anything to the effect of, "Hang up the fucking phone," "Don't pick up the fucking phone," "Don't make no fucking phone calls," or "Turn the fucking recorder off." § 87(2)(b) was brought to the rear of his car and both officers stood with him. By this point, § 87(2)(b) had exited § 87(2)(b)'s car on her own and Sgt. Todaro let her stand off to the side near the rear passenger's door. Sgt. Todaro did not tell her to, "Get the fuck in the car." § 87(2)(b) asked why § 87(2)(b) was being arrested and what would happen to him. Sgt. Todaro explained that § 87(2)(b) was being arrested for having an open warrant and would be transported to the 121st Precinct stationhouse. He did not say, "Mind your fucking business" and never said, "We don't give a fuck."

Sgt. Todaro could not recall whether § 87(2)(b) was asked to produce identification, but he did not tell § 87(2)(b) that he and § 87(2)(b) sucked up taxpayer money or that either of them was on welfare. § 87(2)(b) is known to Sgt. Todaro as a "drug bank." Sgt. Todaro believed that § 87(2)(b) was probably yelling something about how the officers should arrest the drug dealers from his building instead of him, but he did not tell § 87(2)(b) to, "Ask them little fuckers about me." Sgt. Todaro did not recall whether § 87(2)(b) asked for his name or whether he ever provided his name to § 87(2)(b). § 87(2)(b)'s car was not searched and Sgt. Todaro did not see any officer enter it, although he believed that an officer eventually parked the car in a parking spot at the scene.

PO Besim Pelinku and PO Michael Smith arrived to the scene toward the conclusion, but neither interacted with § 87(2)(b). § 87(2)(b) was transported to the 121st Precinct stationhouse in the officers' car. During the transport, Sgt. Todaro did not mention anything about § 87(2)(b) getting raped in jail. At the stationhouse, Sgt. Todaro did not interact with § 87(2)(b) near the holding cells. He did not see PO Kwo hold up a piece of paper with the words "Fuck you" on it. Sgt. Todaro used no profanity throughout this incident and he did not hear PO Kwo do so.

December 17, 2013

At approximately 2:36 p.m. on December 17, 2013, Sgt. Todaro, PO Kwo and PO Pelinku were patrolling in the vicinity of § 87(2)(b) in Staten Island, when they saw a puppy in the middle of the street. The officers exited the car, picked up the puppy and began asking around to determine who the owner was. Eventually, the owner, who lived in a building on the corner of the block, came outside and spoke to the officers about the puppy for a few minutes. § 87(2)(b) was on the stoop in front of § 87(2)(b) and began cursing, specifically at Sgt. Todaro. § 87(2)(b) said things to the effect of, "Fuck you," "Fuck this," and "Okay, why don't you come

up here and mess with me now?" Sgt. Todaro replied, "Okay § 87(2)(b) Alright, whatever,"
and

tried to ignore him. The officers then got back into their car and left approximately 20 minutes after they had first arrived. Neither PO Kwo nor PO Pelinku interacted with § 87(2)(b)

Sgt. Todaro did not say, “Shut the fuck up. To me, you’re a little bitch,” “Fuck you,” or anything regarding ripping or snatching § 87(2)(b)’s throat out of his neck or having him paralyzed and turned into a vegetable. He did not recall hearing PO Kwo say, “Go fuck yourself,” and did not hear PO Kwo say that § 87(2)(b) was going to get “fucked up soon.” Sgt. Todaro did not use any profanity during this incident and he did not hear any officer do so.

Subject Officer: PO EMMANUEL KWO

- *PO Kwo, a black man who is 6’2” tall, weighs 250 pounds, with black hair and brown eyes, was § 87(2)(b) old at the time of these incidents.*
- *On November 14, 2013 and December 17, 2013, PO Kwo worked from 12 p.m. to 8:35 p.m., assigned to Anti-Crime with Sgt. John Todaro. He was not working with anyone else on November 14, 2013, but was unsure whether he was also working with PO Besim Pelinku on December 17, 2013. On both dates, PO Kwo was dressed in plainclothes and assigned to a blue/teal Ford Fusion, vehicle number § 87(2)(b)*

Memo Book

- November 14, 2013: 6:55 p.m., Car stop at Vreeland Street and Park Avenue. License plate # § 87(2)(b) § 87(2)(b) DOB: § 87(2)(b) of § 87(2)(b) for § 87(2)(b) § 87(2)(b) Issued one summons, summons number § 87(2)(b) 7:03 p.m., One under at location for return on warrant. 7:15 p.m., Arrived at 121st Precinct stationhouse. NYSID § 87(2)(b) open warrant. 8:35 p.m., End of tour (encl. F1-F3).
- PO Kwo had no memo book entries regarding the December 17, 2013 incident (encl. F4). At 12 p.m., he was present for duty and at 6:55 p.m., he had one individual stopped. PO Kwo had no entries in between these entries.

Summons

- Summons § 87(2)(b) was issued to § 87(2)(b) by PO Kwo on November 14, 2013 for § 87(2)(b) (encl. F5).

CCRB Statement

PO Emmanuel Kwo was interviewed at the CCRB on May 28, 2014 (encl. F6-F10). § 87(2)(g)

November 14, 2013

As PO Kwo initiated the car stop, he saw two heads in the car’s front seats and a lot of “things” in the backseat, but was unsure whether they were people or property. § 87(2)(b)’s hands were down and out of PO Kwo’s sight, but his shoulders were moving. Anything going on inside a car makes PO Kwo, as an officer, suspicious, especially when it is dark out. He could only see § 87(2)(b)’s head. As the officers approached the car, they shined their flashlights on it and PO Kwo determined that the backseat contained property, not people.

§ 87(2)(b) spoke first and appeared agitated, combative and discourteous. He told PO Kwo that he had no right to flash his flashlight into his car or to stop him. PO Kwo told § 87(2)(b) that he was trying to determine how many occupants were in the car and where everyone’s hands were, but § 87(2)(b) would not let him get a word in. PO Kwo’s initial intent was to inquire as to whether something was wrong with the car, but at this point, he decided to issue § 87(2)(b)

§ 87(2)(b) a summons for § 87(2)(b). As PO Kwo wrote § 87(2)(b)'s summons, the warrant check was returned positive. § 87(2)(b) was ordered to exit the car, handcuffed and placed under arrest. He continued acting combative and PO Kwo said he would print the warrant out for § 87(2)(b) at the stationhouse. When PO Pelinku arrived, he told § 87(2)(b) that he was only being taken in for an open warrant, but did nothing else at the scene.

PO Kwo did not recall Sgt. Todaro using the expletive “fuck” or any derivative of the word while interacting with § 87(2)(b). PO Kwo did not recall § 87(2)(b) telling the officers to go after the drug dealers in his building, but Sgt. Todaro did not tell § 87(2)(b) to, “Ask them little fuckers about me.” Sgt. Todaro did not tell § 87(2)(b) that he and § 87(2)(b) sucked up taxpayer money or that either of them was on welfare. PO Kwo did not recall § 87(2)(b) asking Sgt. Todaro for his name. At no point did any officer enter, search or touch § 87(2)(b)'s car.

During the transport to the stationhouse, Sgt. Todaro did not say anything about § 87(2)(b) getting raped in jail. At the stationhouse, § 87(2)(b) asked for a copy of the open warrant and PO Kwo printed one out and handed it to him. PO Kwo did not hold up a piece of paper with the words “Fuck you” on it. PO Kwo used no profanity during this incident.

December 17, 2013

§ 87(2)(b) exited § 87(2)(b) stood on his porch and began aiming profanities at Sgt. Todaro. Neither PO Kwo nor PO Pelinku spoke to § 87(2)(b). PO Kwo returned the puppy to the owner. As PO Kwo exited the owner's building, Sgt. Todaro was in the officers' car waiting. PO Kwo entered the car and the officers left the scene. PO Kwo did not recall himself or any other officer using any profanity or Sgt. Todaro threatening § 87(2)(b) with the use of force during this incident.

Witness Officer: PO BESIM PELINKU

- *PO Pelinku, a white man who is 6'1" tall, weighs 215 pounds, with black hair and hazel eyes, was § 87(2)(b) old at the time of the incident.*
- *On November 14, 2013 and December 17, 2013, PO Pelinku worked from 12 p.m. to 8:35 p.m., assigned to Precinct Anti-Crime, and was dressed in plainclothes. On November 14, 2013, he worked with PO Michael Smith and was assigned to a blue Chevy Impala, vehicle number § 87(2)(b). On December 17, 2013, he worked with PO Emmanuel Kwo and Sgt. John Todaro and was assigned to a teal Ford Fusion, vehicle number § 87(2)(b).*

Memo Book

- PO Pelinku had no memo book entries regarding the November 14, 2014 incident (encl. F11-F13). At 3:20 p.m., he arrived to the 121st Precinct stationhouse regarding an arrest. He ended his tour at 8:35 p.m.
- PO Pelinku had no memo book entries regarding the December 17, 2013 incident (encl. F14). At 12:40 p.m., he resumed patrol with PO Kwo and Sgt. Todaro and at 5:50 p.m., he responded to a call by a store security guard who was holding a suspect.

CCRB Statement

PO Besim Pelinku was interviewed at the CCRB on May 28, 2014 (encl. F15-F18). § 87(2)(g)

November 14, 2013

PO Pelinku and PO Smith were patrolling when they saw PO Kwo and Sgt. Todaro engaged in a car stop. As PO Pelinku approached the scene, § 87(2)(b) had already exited his car, was not yet handcuffed and was “flipping out.” § 87(2)(b) was upset and acting irate. He said, “Fuck you,” “Suck my dick” and “I’m gonna sue you fucking guys.” PO Pelinku told § 87(2)(b) to calm down and that no one was there to do him any harm. § 87(2)(b) became compliant and PO Pelinku believed that they had a good rapport. This was the extent of their interaction. § 87(2)(b) was likely initially inside the car, but later exited, although PO Pelinku did not know why.

PO Pelinku did not recall whether any officer used profanity or offensive language in his presence. § 87(2)(b)'s car was left at the scene. § 87(2)(b) parked it. PO Pelinku did not recall any officer entering § 87(2)(b)'s car. PO Pelinku did not recall hearing § 87(2)(b) ask any officer for his name. PO Pelinku was only at the scene for a few moments before he and PO Smith resumed patrol.

December 17, 2013

As § 87(2)(b) stood outside of § 87(2)(b) PO Pelinku said hello and § 87(2)(b) said hello back. § 87(2)(b) then looked at PO Kwo and Sgt. Todaro and became irate. He told PO Pelinku, “You’re cool, but fuck those guys.” § 87(2)(b) was trying to engage PO Kwo and Sgt. Todaro in conversation, but PO Pelinku did not recall any officer saying anything to him and did not recall any officer using profanity during this incident. The officers walked away and continued with their investigation. They left after having been at the scene for about five minutes.

NYPD Documents

Events

- Event D13111417856 notes that Unit 121SP8 had one under arrest at 7:03 p.m. in the vicinity of Vreeland Street and Park Avenue in Staten Island (encl. G1-G3).
- Event D13121709641 notes that Unit 121ST3 had one under arrest at 1:10 p.m. in regard to a male perpetrator who had made threats in the lobby of § 87(2)(b) in Staten Island (encl. G4-G6).

Prisoner Holding Pen Roster

- The Prisoner Holding Pen Roster notes that PO Kwo guarded § 87(2)(b) from 7:10 p.m. until 9 p.m. Six male arrestees’ were present in the holding cell area at different points throughout that time span, but their lodging and release times varied (encl. G8).

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- No summonses or arrests resulted from the December 17, 2013 incident.

Status of Civil Proceedings

§ 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of May 2, 2014, more than three months past the filing deadline, with regard to both of these incidents.

Civilians' Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [redacted]
[redacted]
- [redacted]
[redacted]
- [redacted]
[redacted]
[redacted]
[redacted]

Civilians' CCRB History

This is the first CCRB complaint filed by [§ 87(2)(b)] and the first complaint in which [§ 87(2)(b)] is a participant (encl. C1-C2).

Subject Officers' CCRB History

- Sgt. Todaro has been a member of the service for 20 years and there are four substantiated CCRB allegations against him (encl. B1-B3).
 - In CCRB case number 200400822, the Board substantiated an allegation that Sgt. Todaro ordered an officer to summons an individual, and recommended charges. The NYPD issued Sgt. Todaro instructions.
 - In CCRB case number 200603776, the Board substantiated allegations that Sgt. Todaro stopped and questioned, frisked, and threatened to arrest an individual, and recommended charges. The NYPD implemented no disciplinary action.
- PO Kwo has been a member of the service for seven years and there are two substantiated CCRB allegations against him. (encl. B4).
 - In CCRB case number 201301525, the Board substantiated allegations that PO Kwo frisked one individual and searched three individuals, and recommended charges. The NYPD case is pending.

Conclusion

Identification of Subject Officers

- Sgt. Todaro and PO Kwo acknowledged interacting with [§ 87(2)(b)] and [§ 87(2)(b)]
- [§ 87(2)(g)] [redacted]
[redacted]
[redacted]

Allegations Not Pled

- [§ 87(2)(g)] [redacted]
[redacted]
- [§ 87(2)(g)] [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]

Investigative Findings and Recommendations

Allegation A – Discourtesy: On various dates and at various locations, Sgt. John Todaro spoke discourteously to § 87(2)(b) and § 87(2)(b)

Allegation B – Offensive Language: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro made a comment based upon the socioeconomic status of § 87(2)(b)

Allegation C – Abuse of Authority: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro refused to provide his name to § 87(2)(b)

Allegation D – Abuse of Authority: On November 14, 2013, in the vicinity of Park Avenue and Vreeland Street in Staten Island, Sgt. John Todaro searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation E – Discourtesy: On various dates and at various locations, PO Emmanuel Kwo spoke discourteously to § 87(2)(b)

Allegation F – Abuse of Authority: On December 17, 2013, outside of § 87(2)(b) in Staten Island, Sgt. John Todaro threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that during the November 14, 2013 incident, when he told § 87(2)(b) to record the incident, Sgt. Todaro said, “Turn that fucking tape recorder off from the cell phone.” and “Get the fuck in the car.” § 87(2)(b) said that Sgt. Todaro said things to the effect of, “Hang up the fucking phone,” “Don’t pick up the fucking phone,” and “Don’t make no fucking phone calls.” § 87(2)(b) further alleged that while at the rear of his car, Sgt. Todaro whispered into his ear that § 87(2)(b) and § 87(2)(b) were sucking up taxpayers’ money, that § 87(2)(b) was on welfare because she had a benefit’s card, and that when § 87(2)(b) told Sgt. Todaro to go after the drug dealers in his building, Sgt. Todaro said, “Oh yeah, ask them little fuckers about me. They know me.” § 87(2)(b) said that upon asking Sgt. Todaro for his name, Sgt. Todaro failed to provide it.

§ 87(2)(b) also alleged that Sgt. Todaro searched his car. Although § 87(2)(b) alleged that PO Kwo was the officer who searched the car, she was consistent in § 87(2)(b)’s assertion that the car was searched. § 87(2)(b) alleged that when she asked about § 87(2)(b) Sgt. Todaro said, “Mind your fucking business.” and that when she asked what would happen to § 87(2)(b)’s car, Sgt. Todaro said, “We don’t give a fuck.” Finally, § 87(2)(b) alleged that en route to the 121st Precinct stationhouse, Sgt. Todaro said § 87(2)(b) was going to get raped in jail, and at the stationhouse, upon § 87(2)(b) requesting a piece of paper that documented his arrest, PO Kwo help up a piece of paper containing the words, “Fuck you.”

§ 87(2)(b) alleged that during the December 17, 2013 incident, Sgt. Todaro said, “Man, shut the fuck up. To me, you’re a little bitch.” “Fuck you.” something to the effect of, “[I’m going to or I can] [rip or snatch] your throat out of your neck.” and that he could have § 87(2)(b) paralyzed and turned into a vegetable if he wanted to. § 87(2)(b) further alleged that when he accused PO Kwo of stealing his neighbor’s puppy, PO Kwo said, “Man, go fuck yourself.” and that as § 87(2)(b) left the scene, PO Kwo told Sgt. Todaro, “Yeah, he’s gonna get fucked up soon,” referring to § 87(2)(b) § 87(2)(b) did not witness these parts of the incident.

Although § 87(2)(b) did not reiterate all of the discourteous and offensive statements and the name refusal allegation that § 87(2)(b) alleged occurred during the November 14, 2013 incident, based on § 87(2)(b) s statement, she may not have been able to hear those alleged statements from her position.

Sgt. Todaro and PO Kwo denied participating in any of the alleged actions and all three officers interviewed denied witnessing any of the alleged actions. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date